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**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/296,276	04/22/99	SCHUMACHER	R 225/47721

IM31/0404
EVENSON MCKEOWN EDWARDS & LENAHAH PLLC
1200 G STREET NW SUITE 700
WASHINGTON DC 20005

EXAMINER

LEE, E

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

Advisory Action

Application No.

09/296,276

Examiner

EDMUND H LEE

Applicant(s)

SCHUMACHER, ROLF

Art Unit

1732

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 3/5/01 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

4. ☐ Applicant's reply has overcome the following rejection(s): _____.
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☐ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: none.
- Claim(s) objected to: none.
- Claim(s) rejected: 1-11 and 27-36.
- Claim(s) withdrawn from consideration: _____.
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. ☐ Other:

Attachment to Advisory Action

1. Applicant's arguments filed 3/5/01 have been fully considered but they are not persuasive. Before addressing the arguments, it should be noted that Applicant's amendment filed 3/5/01 has not been entered because it raises new issues. The new issues are "pressing the cut décor" (cl 1) and "injecting an injection molding compound into the mold after cutting the decorative part" (cl 27). These new issues require further search and consideration.

Applicant argues that Masui does not teach pressing the décor part by injecting a molding compound against a surface of the décor part opposite at least one injection opening. In fact, Masui does teach this limitation in col 4, lns 60-65 and fig 3. This fig shows material injected through an unseen passage in mold part 2 and against a surface of décor part 10 that is opposite to the opening of the unseen passage. It can also be seen that the injected material causes the décor part to flex thus suggesting the pressing of the décor part by the injected material.

Applicant argues that Masui does not teach an injection mold. In fact, the mold of Masui is for injection-compression molding. From col 4, lns 60-65, it can be seen that Masui supplying material into the cavity between mold parts 2 and 3 through a passage in mold part 3. This step of supplying constitutes injecting because the material must be supplied under force for it to empty into the cavity. Since Masui teaches an injection mold, Applicant's argument that "it is not obvious to perform an injection of resin as in Conner, Kato, or Stickling with the apparatus of Masui" is moot.

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Applicant argues that "wood veneer or sheet metal" can be used in Masui. In fact, Masui teaches the use of a variety of materials including metal. See col 6, lns 40-55.

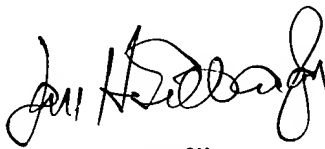
2. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Edmund Lee whose telephone number is (703)305-4019. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703)308-3829. The fax phone number for this Group is (703)305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0661.

EHL

April 3, 2001


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT ~~17~~1732
4/04/01